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89th CONGRESS
1st Session

IN THE HOUSE OF REPRESENTATIVES

A BILL

To amend the Federal Firearms Act.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 That the first section of the Federal Firearms Act (52 Stat.
4 1250) is amended to read as follows:
5 "That as used in this Act --
6 "(1) The term 'person' includes an individual, partner-
7 ship, association, or corporation.
8 "(2) The term 'interstate or foreign commerce' means
9 commerce between any State or possession (not including the
10 Canal Zone), or the District of Columbia, and any place
11 outside thereof; or between points within the same State or
12 possession (not including the Canal Zone), or the District
13 of Columbia, but through any place outside thereof; or
14 within any possession or the District of Columbia. The

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1 term 'State' shall be held to include the Commonwealth of
2 Puerto Rico, the Virgin Islands, and the District of
3 Columbia.

4 "(3) The term 'firearm' means any weapon, by whatsoever
5 name known, which will, or is designed to, or which may be
6 readily converted to, expel a projectile or projectiles by
7 the action of an explosive; the frame or receiver of any
8 such weapon; or any firearm muffler or firearm silencer; or
9 any destructive device.

10 "(4) The term 'destructive device' means any explosive
11 or incendiary (a) bomb or (b) grenade or (c) rocket or (d)
12 missile or (e) similar device, or launching device therefor
13 (except a device which is not designed or redesigned or used
14 or intended for use as a weapon or part thereof); and the
15 term shall also include any type of weapon by whatsoever
16 name known (other than a ^{1-*}shotgun) which will, or which is
17 designed to, or which may be readily converted to, expel a
18 projectile or projectiles by the action of an explosive, the
19 barrel or barrels of which have a bore of one-half inch or
20 more in diameter.

21 "(5) The term 'importer' means any person engaged in
22 the business of importing or bringing firearms into the
23 United States for purposes of sale or distribution; and the

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1 term 'licensed importer' means any such person licensed
2 under the provisions of this Act.

3 "(6) The term 'manufacturer' means any person engaged
4 in the manufacture of firearms for purposes of sale or
5 distribution; and the term 'licensed manufacturer' means
6 any such person licensed under the provisions of this Act.

7 "(7) The term 'dealer' means (a) any person engaged
8 in the business of selling firearms at wholesale or retail,
9 (b) any person engaged in the business of repairing such
10 firearms or of manufacturing or fitting special barrels,
11 stocks, or trigger mechanisms to firearms, or (c) any
12 person who is a pawnbroker. The term 'licensed dealer'
13 means any dealer who is licensed under the provisions of
14 this Act.

15 "(8) The term 'pawnbroker' means any person whose
16 business or occupation includes the taking or receiving, by
17 way of pledge or pawn, of any firearm as security for the
18 payment or repayment of money.

19 "(9) The term 'indictment' includes an indictment or
20 an information in any court of the United States, the
21 several States, possessions, or the District of Columbia
22 under which a crime punishable by imprisonment for a term
23 exceeding one year may be prosecuted.

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1 "(10) The term 'fugitive from justice' means any
2 person who has fled from any State, the District of Columbia,
3 or a possession of the United States (a) to avoid prosecution
4 for a crime punishable by imprisonment for a term exceeding
5 one year, or (b) to avoid giving testimony in any criminal
6 proceeding.

7 "(11) The term 'crime punishable by imprisonment for
8 a term exceeding one year' shall not include any Federal or
9 State offenses pertaining to antitrust violations, unfair
10 trade practices, restraints of trade, or other similar
11 offenses relating to the regulation of business practices
12 as the Secretary may by regulation designate.

13 "(12) The term 'Secretary' or 'Secretary of the Treasury'
14 means the Secretary of the Treasury or his delegate."

15 SEC. 2. Section 2 of the Federal Firearms Act is
16 amended to read as follows:

17 "(a) It shall be unlawful for any person, except an
18 importer, manufacturer, or dealer having a proper license
19 issued under the provisions of this Act, to transport, ship,
20 or receive any firearm in interstate or foreign commerce:
21 except, (1) that nothing in this subsection shall be
22 construed as making unlawful the transportation of a
23 firearm (other than a destructive device or a firearm as

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1 defined in section 5848(1) of the Internal Revenue Code of
2 1954) possessed and carried in conformity with State and
3 Federal law by an individual traveling in interstate or
4 foreign commerce if such transportation is for a lawful
5 purpose, not including sale; (2) that nothing in this sub-
6 section shall be construed as making unlawful the shipping
7 or transporting of a firearm in interstate or foreign
8 commerce by a common or contract carrier in the operation
9 of his business as otherwise provided by this Act or by
10 United States mail to a licensed importer, licensed manu-
11 facturer, or licensed dealer; and (3) that nothing in this
12 subsection shall be construed as applying in any manner in
13 the District of Columbia or a possession differently than
14 it would apply if the District of Columbia or the possession
15 were a State of the United States.

16 "(b) It shall be unlawful for any importer, manufacturer,
17 or dealer to sell any firearm without satisfactorily ascer-
18 taining the true identity and place of residence of the
19 purchaser or knowingly to sell any firearm to a person under
20 18 years of age or to a resident of any State other than
21 that in which the importer's, manufacturer's, or dealer's
22 place of business is located (except to a licensed importer,
23 licensed manufacturer, or a licensed dealer).

1 "(c) It shall be unlawful for any licensed importer,
2 licensed manufacturer, or licensed dealer to sell or other-
3 wise dispose of any firearm received in interstate or foreign
4 commerce to any person knowing or having reasonable cause to
5 believe that such person is under indictment or has been
6 convicted in any court of the United States, the several
7 States, possessions, or the District of Columbia of a crime
8 punishable by imprisonment for a term exceeding one year or
9 is a fugitive from justice.

10 "(d) It shall be unlawful for any person who is under
11 indictment or who has been convicted of a crime punishable
12 by imprisonment for a term exceeding one year, or who is a
13 fugitive from justice, to ship, transport, or cause to be
14 shipped or transported, any firearm in interstate or foreign
15 commerce.

16 "(e) It shall be unlawful for any person who is under
17 indictment or who has been convicted in any court of a crime
18 punishable by imprisonment for a term exceeding one year,
19 or is a fugitive from justice, to receive any firearm which
20 has been shipped or transported in interstate or foreign
21 commerce.

22 "(f) It shall be unlawful for any person knowingly to

23 deposit, or cause to be deposited for mailing or delivery by
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1 mail, or knowingly to deliver, or cause to be delivered, to
2 any common or contract carrier for transportation or ship-
3 ment in interstate or foreign commerce, any package or other
4 container in which there is any firearm, without written
5 notice to the Postmaster General or his delegate or to the
6 carrier (as the case may be) that a firearm is being
7 transported or shipped.

8 "(g) It shall be unlawful for any common or contract
9 carrier to deliver, or cause to be delivered, in interstate
10 or foreign commerce any firearm to any person who does not
11 exhibit or produce evidence of a license obtained under
12 section 3 of this Act or who is not exempted by section 4
13 from the provisions of this Act.

14 "(h) It shall be unlawful for any person to transport
15 or ship or cause to be transported or shipped in interstate
16 or foreign commerce any stolen firearm, knowing, or having
17 reasonable cause to believe, same to have been stolen.

18 "(i) It shall be unlawful for any person to receive,
19 conceal, store, barter, sell, or dispose of any firearm or
20 pledge or accept as security for a loan any firearm moving
21 as, or which is a part of, or which constitutes interstate
22 or foreign commerce, knowing, or having reasonable cause to
23 believe the same to have been stolen.

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1 "(j) It shall be unlawful for any person to transport,
2 ship, or knowingly receive in interstate or foreign commerce
3 any firearm from which the importer's or manufacturer's
4 serial number, as the case may be, has been removed,
5 obliterated, or altered.

6 "(k) It shall be unlawful for any person to import or
7 bring into the United States or any possession thereof any
8 firearm for which a license to import or bring into the
9 United States is required under section 3(e) of the Act,
10 unless such person has first obtained a license from the
11 Secretary, as provided in such section to so import or bring
12 in such firearm.

13 "(l) It shall be unlawful for any person to knowingly
14 receive any firearm which has been imported or brought into
15 the United States or any possession thereof in violation of
16 the provisions of this Act."

17 SEC. 3. Section 3 of the Federal Firearms Act is
18 amended to read as follows:

19 "SEC. 3. (a) Any importer, manufacturer, or dealer
20 desiring to transport, ship, or receive firearms in inter-
21 state or foreign commerce shall file an application for a
22 license with the Secretary in such form and containing such
23 information as the Secretary shall by regulation prescribe.

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1 Each applicant shall be required to pay a fee for obtaining
2 such license (for each place of business) as follows:

3 "(1) If a manufacturer --

4 "(A) of destructive devices, a fee of
5 \$1,000 per annum; or

6 "(B) of firearms (other than destructive
7 devices), a fee of \$500 per annum; or

8 "(2) If an importer --

9 "(A) of destructive devices, a fee of
10 \$1,000 per annum; or

11 "(B) of firearms (other than destructive
12 devices), a fee of \$500 per annum; or

13 "(3) If a dealer --

14 "(A) in destructive devices, a fee of \$500
15 per annum; or

16 "(B) who is a pawnbroker (dealing in firearms
17 other than destructive devices), a fee of \$250 per
18 annum; or

19 "(C) in firearms (other than as described
20 in subparagraph (A) or (B)), a fee of \$100 per
21 annum.

22 "(b) Upon filing by an applicant of a proper application
23 and payment of the prescribed fee, the Secretary shall (except

1 as provided in subsection (c)), issue to such applicant the
2 license applied for, which shall, subject to the provisions
3 of this Act, entitle the licensee to transport, ship, and
4 receive firearms covered by such license in interstate or
5 foreign commerce during the period stated in the license.

6 "(c) Any application submitted under subsections (a)
7 and (b) of this section shall be disapproved and the license
8 denied if the Secretary, after notice and opportunity for
9 hearing, finds that --

10 "(1) the applicant is under 21 years of age; or

11 "(2) the applicant (including in the case of a
12 corporation, partnership, or association, any
13 individual possessing directly or indirectly, the power
14 to direct or cause the direction of the management and
15 policies of the corporation, partnership, or association)
16 is prohibited from transporting, shipping, or receiving
17 firearms in interstate or foreign commerce under the
18 provisions of subsection (d) or (e) of section 2 of
19 this Act, or is, by reason of his business experience,
20 financial standing, or trade connections, not likely
21 to maintain operations in compliance with this Act; or

22 "(3) the applicant has willfully violated any of
23 the provisions of this Act or the regulations issued

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1 thereunder; or

2 "(4) the applicant has willfully failed to
3 disclose any material information required, or made
4 any false statement as to any material fact, in
5 connection with his application; or

6 "(5) the applicant does not have, or does not
7 intend to have or to maintain, in a State or possession,
8 business premises (other than premises used as living
9 quarters) for the conduct of the business.

10 "(d) The provisions of section 2(c), (d), and (e) of
11 this Act shall not apply in the case of a licensed importer,
12 licensed manufacturer, or licensed dealer who is indicted
13 for a crime punishable by imprisonment for a term exceeding
14 one year. A licensed importer, licensed manufacturer, or
15 licensed dealer may continue operations pursuant to his
16 existing license (provided that prior to the expiration of
17 the term of the existing license timely application is made
18 for a new license) during the term of such indictment, and
19 until any conviction pursuant to the indictment becomes final,
20 whereupon he shall be fully subject to all provisions of
21 this Act and operations pursuant to such license shall be
22 discontinued.

23 "(e) Any person desiring to import or bring any

1 firearm into the United States or a possession thereof
2 shall, in addition to complying with all other applicable
3 provisions of law, obtain a license from the Secretary
4 for the importation or bringing in of such firearm.
5 Licenses required under this subsection shall be issued in
6 such form or manner and subject to such conditions as the
7 Secretary shall by regulation prescribe. No license
8 shall be issued under the provisions of this subsection
9 unless it has been established to the satisfaction of the
10 Secretary --

11 "(1) That the firearm is to be imported or brought
12 in for a lawful purpose, and is adequately identified
13 in such manner that proper records of its importation
14 and disposition may be maintained; and

15 "(2) That such firearm is being imported or
16 brought in for scientific or research purposes, or
17 is for use in connection with competition or
18 training pursuant to Chapter 401 of Title 10 of the
19 United States Code; or

20 "(3) That the firearm to be imported or brought
21 in is unique or so unusual in design or workmanship or
22 caliber that a comparable firearm cannot be obtained in
23 the United States or a possession thereof; or

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1 "(4) That the importation or bringing in of such
2 firearm is in the public interest.

3 Applicants for licenses under the provisions of this sub-
4 section shall pay a fee of \$10 for each firearm licensed to
5 be imported or brought into the United States.

6 "(f) No licensed importer, licensed manufacturer, or
7 licensed dealer shall sell or otherwise dispose of a
8 destructive device to a non-licensee unless he has in his
9 possession a sworn statement executed by the principal law
10 enforcement officer of the locality wherein the purchaser
11 or person to whom the destructive device is to be disposed
12 of resides, attesting that there are no provisions of law,
13 regulations, or ordinances which would be violated by such
14 person's receipt or possession of the destructive device,
15 and until the licensee has submitted a copy of such sworn
16 statement to the Secretary and has received acknowledgment
17 of receipt thereof. Such sworn statement shall be submitted
18 in such form and contain such information as the Secretary
19 shall by regulations prescribe.

20 "(g) Each licensed importer, licensed manufacturer,
21 and licensed dealer shall maintain such records of
22 importation, production, shipment, receipt, and sale and
23 other disposition, of firearms at such place, for such

1 period and in such form as the Secretary may by regulations
2 prescribe. Such importers, manufacturers, and dealers shall
3 make such records available for inspection at all reasonable
4 times, and shall submit to the Secretary such reports and
5 information with respect to such records and the contents
6 thereof as he shall by regulations prescribe. The Secretary
7 or his delegate may enter during business hours the premises
8 (including places of storage) of any firearms importer,
9 manufacturer, or dealer for the purpose of inspecting or
10 examining any records or documents required to be kept by
11 such importer or manufacturer or dealer under the provisions
12 of this Act or regulations issued pursuant thereto, and any
13 firearms kept or stored by such importer, manufacturer, or
14 dealer at such premises. Upon the request of any State, or
15 possession, or the District of Columbia, or political sub-
16 division thereof, the Secretary of the Treasury may make
17 available to such State, or possession, the District of
18 Columbia, or any political subdivision thereof, any information
19 which he may possess or which he may obtain by reason of the
20 provisions of this Act with respect to the identification of
21 persons within such State, or possession, or the District of
22 Columbia, or political subdivision thereof, who have purchased
23 or received firearms in interstate or foreign commerce,

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1 together with a description of the firearms so purchased
2 or received.

3 "(h) Each licensed importer, licensed manufacturer,
4 and licensed dealer shall maintain on the exterior and near
5 the entrance of his business premises a sign in clear and
6 readily legible form showing that he is a 'licensed firearms
7 importer', 'licensed firearms manufacturer', or 'licensed
8 firearms dealer', as the case may be, and no other person
9 shall post or maintain such a sign.

10 "(i) Licensed importers and licensed manufacturers
11 shall identify (or cause to be identified) in such manner
12 as the Secretary shall by regulations prescribe, each
13 firearm imported or manufactured by such importer or
14 manufacturer."

15 SEC. 4. Section 4 of the Federal Firearms Act is
16 amended to read as follows:

17 "SEC. 4. (a) The provisions of this Act shall not
18 apply with respect to the transportation, shipment, receipt,
19 or importation of any firearms imported for or sold or
20 shipped to, or issued for the use of (1) the United States
21 or any department, independent establishment, or agency
22 thereof; or (2) any State, or possession, or the District
23 of Columbia, or any department, independent establishment,

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1 agency, or any political subdivision thereof.

2 "(b) Nothing contained in this Act shall be construed
3 to prevent shipment of firearms to institutions, organizations,
4 or persons to whom firearms may be lawfully delivered by the
5 Secretary of Defense or his delegate, nor to prevent the
6 receipt or transportation of such firearms by their lawful
7 possessors while they are engaged in military training or
8 in competitions."

9 SEC. 5. Subsection (b) of section 5 of the Federal
10 Firearms Act is amended to read as follows:

11 "(b) Any firearm involved in, or used or intended to
12 be used in, any violation of the provisions of this Act or
13 any rules or regulations promulgated thereunder or any
14 violation of the provisions of Title 18 U.S.C. section 111,
15 112, 372, 871, 1114, or 1751 shall be subject to seizure and
16 all provisions of the Internal Revenue Code of 1954 relating
17 to the seizure, forfeiture, and disposition of firearms as
18 defined in section 5848(1) of said Code, shall, so far as
19 applicable, extend to seizures and forfeitures under the
20 provisions of this Act."

21 SEC. 6. The amendments made by this Act shall become
22 effective on the date of the enactment of this Act; except
23 that the amendments made by section 3 of this Act to section 3(a)

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1 of the Federal Firearms Act shall not apply to any importer,
2 manufacturer, or dealer licensed under the Federal Firearms
3 Act on the date of the enactment of this Act until the
4 expiration of the license held by such importer, manufacturer,
5 or dealer on such date.

6 SEC. 7. The Federal Firearms Act is amended by adding
7 at the end thereof the following new section:

8 "SEC. 10. Nothing in this Act shall be construed as
9 modifying or affecting the requirements of section 414 of
10 the Mutual Security Act of 1954, as amended, with respect
11 to the manufacture, exportation, and importation of arms,
12 ammunition, and implements of war."